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REMARKS

It is believed that there is a fundamental difference between the claimed invention and the cited references. The claimed invention requires determining the length of an intended transmission and using the length to predict a time when the effect of a local noise would be reduced for sufficient time for the intended transmission. In contrast, Mansfield never looks for a time to transmit. He basically refuses to change the time of transmission and, instead, simply changes the frequency slot that is utilized. He does this by changing the packet length which somehow or another results in changing the frequency.

This seems to be most clearly explained at column 7, lines 34-43. First, he explains that the system looks ahead to see which BT channel frequencies are soon to be used. Then, he compares the potential channel frequencies with separately maintained channel frequency black lists of channel frequencies have unacceptable interference thereon. Then, he dynamically adapts among "the different length BT packet lengths" to avoid transmission "on black listed channel frequencies."

Clearly, there is no sense in changing when the transmission occurs, but, instead, there is simply a change in frequency which results from the change in packet length.

What is missing in this protocol is what is in the last paragraph of the claim, which is using "said length to predict a time when the effect of a local noise source would be reduced for sufficient time for the intended transmission." There is no prediction of a time when the noise would be produced because Mansfield transmits whenever he wants. He simply looks for a different frequency band to transmit in where he can avoid the noise.

With respect to some dependent claims, a combination with Carlson is suggested. But, again, this combination would be extremely perplexing. Basically, Mansfield says change frequency to avoid noise and Carlson says change transmission time to avoid noise. It is not seen how a system that does one could do the other instead. In other words, the two approaches are completely inconsistent and, therefore, there is no reasonable way to combine the two references.

As a result, reconsideration is requested of the rejections under Section 102, based on Mansfield, of claims 1, 9, 12, and 31-42 and the rejections under Section 103, based on Carlson and Mansfield. Moreover, neither reference nor their combination teaches using the length to predict a time when the effect of the local noise source would be reduced for sufficient time for

the intended transmission. This is because Carlson never considers the length of the transmission and Mansfield only considers packet length as the key to finding a frequency slot that avoids the noise problem.

Respectfully submitted,

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